

## **REMARKS**

Reconsideration and allowance of the claims are requested in view of the above amendments and the following remarks. Claims 5, 14, 31, 33, 36, 37 and 42 have been amended. Support for the claim amendments may be found in the specification and claims as originally filed. For example, support for the claim amendments may be found in the present specification at least at paragraphs 10, 54, 121, 134 and 142-143 and original claims 32 and 36. No new matter has been added. Claims 1-4, 6-10, 32 and 46-48 have been canceled without prejudice or disclaimer.

Upon entry of this amendment, claims 5, 11-31 and 33-45 will be pending in the present application, with claims 5, 14, 31, 33, 36, 37 and 42 being independent.

Applicants thank Examiner Shang for the courtesies extended to applicants' representative, Mr. Sung Kim, during a personal interview conducted on April 28, 2008. The substance of the interview is incorporated in the following remarks.

### **1. Rejections under 35 U.S.C. 102**

Claims 14-45 are rejected under 35 U.S.C. 102(b) as being anticipated by Kouloheris et al. (5,915,094). Applicants respectfully traverse this rejection for at least the following reasons.

The Office Action on page 2 asserts that Kouloheris et al. discloses various rule(s) (stream control table of functions) that apply to a particular type of event (various VCR commands like play, pause, fast forward/rewind, etc.) captured by the TV program (citing col. 5, lines 13-50; col. 9, line 56 - col. 10, line 37; col. 13, line 56 - col. 14, line 35; col. 16, line 36 - col. 17, line 1+). The Office Action also asserts that Kouloheris et al. discloses various types of video services (residential services VOD, movies, news, sports, TV programs, etc., and commercial services, video mail, interactive video games, conference etc.) where this can be implemented.

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As discussed during the interview, even assuming arguendo that the above assertions regarding Kouloheris et al. are correct, which applicants do not concede, Kouloheris et al. still fails to teach or suggest at least the elements of creating program event log indices marking events in the program, wherein the program event log indices are context sensitive with respect to the content of the program and are developed according to one or more rules that apply to a particular type of event captured by the television program, wherein the one or more rules requires the program event log indices to be created upon one or more discrete points of interest occurring within the content of the program, as included in independent claim 14 as amended. Independent claims 31, 33, 36, 37 and 42 have been amended to include similar elements.

For example, as discussed during the interview, in an embodiment of the present application relating to a football game, program indices are associated with discrete points of interest in the football game that correspond to specific rules of the game, such as, for example, when the ball is snapped, when a time out is called, and when a whistle blows ending a play. For example, as discussed in the specification of the present application:

. . . the Sports Content Aggregator 402(1) also generates a game log of indices of those sporting events according to predetermined game rules that apply to particular sporting events. The indices are created from the various data feeds provided by the Sports Data providers 414, and include data concerning game play such as when a ball is snapped, when a time out is called, and the like . . . In this example, a first game rule may require a log to be captured each time the football is placed into play, i.e., each time the ball is placed into play from a scrimmage and for any kick-off. A second rule may require a log to be captured whenever the whistle blows ending a play . . . In this way, the Content Aggregator 402 creates real-time DVR data that may . . . permit a “smart skip” or “intelligent skip” forward and backward DVR playback to enable a

viewer to jump between plays of interest . . . (see paragraph 54; emphasis added).

In an embodiment, such context sensitive indices developed according to one or more rules that apply to the football game (i.e., the content of the program) allow a viewer to "intelligently skip" to discrete points of interest in a recording of the football game:

The invention also enables the creation and use of DVR navigation tools based on context sensitive domains. For example, in a recorded football game, the invention permits a viewer to "intelligently skip" to discrete points of interest in the football game recording, such as to the beginning of a quarter, to certain player action, to game highlights only, or from play to play in the game. Alternatively, the viewer may opt to simply skip from play-to-play within the football game. Intelligent game recordings may be developed in other sports based on content created in accordance with game-specific rules. The invention is also used to enhance music, news or movie recordings. For example, the indexing feature may be used to enable a viewer to skip to those portions of a news program or group of news programs of interest. (see paragraph 121; emphasis added).

Kouloheris et al. discloses at most a stream controller, including a stream control table, that accepts video commands from a host which are essentially similar to VCR commands like play, pause, fast forward and rewind, and in response transmits specified video data to a client at an appropriate rate (see col. 5, lines 16–22; col. 9, lines 56–60). The Office Action appears to be interpreting the stream control table and the VCR commands (e.g., play, pause, fast forward, rewind) disclosed in Kouloheris et al. as rules that apply to types of events captured by a TV program. However, as discussed during the interview, Kouloheris et al. does not teach or suggest creating program indices that are specifically associated with discrete points of interest occurring within

the actual content of the program (e.g., actual televised events in a football game or other sporting event).

Therefore, since Kouloheris et al. fails to disclose or suggest every element of independent claims 14, 31, 33, 36, 37 and 42, these claims are allowable.

Claims 15–30 depend from claim 14. Claim 32 depends from claim 31. Claims 34–35 depend from claim 33. Claims 38–41 depend from claim 37. Claims 43–45 depend from claim 42. As discussed above, claims 14, 31, 33, 37 and 42 are allowable. For at least this reason, and the additional features recited therein, claims 15–30, 32, 34–35, 38–41 and 43–45 are also allowable.

For at least the reasons above, reconsideration and withdrawal of the rejection of claims 14–45 under 35 U.S.C. 102(b) are respectfully requested.

## **2. Rejections under 35 U.S.C. 103**

### **A. Rejections Based on Kouloheris et al. and Alexander et al.**

Claims 5, 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kouloheris et al. in view of Alexander et al. (6,177,931). Applicants respectfully traverse this rejection for at least the following reasons.

For the reasons discussed above with respect to the rejection of independent claim 14, Kouloheris et al. fails to teach or suggest at least the elements of program indices developed according to one or more rules that apply to a particular type of event captured by the television programming, wherein the one or more rules requires the program indices to be created upon one or more discrete points of interest occurring within the content of the television programming, and computer readable program code for associating at least one of the program indices with the at least one program segment to create program indices that are context sensitive with respect to the content of the television programming, as included in independent claim 5 as amended. Alexander et al. fails to cure this defect.

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The Office Action on pages 9–10 cites Alexander et al. in asserting that the reference discloses “displaying and recording control interface with television programs which receives an event-based indicator and adjusts the record time of a television program based upon the event-based indicator, extending the record time based on the event-based indicator and for causing the client system to automatically record the televised program based upon the event-based indicator” (citing col. 11, line 64 – col. 12, line 9). Even assuming arguendo that this assertion regarding Alexander et al. is correct, which applicants do not concede, Alexander et al. still fails to disclose or suggest at least the elements of program indices developed according to one or more rules that apply to a particular type of event captured by the television programming, wherein the one or more rules requires the program indices to be created upon one or more discrete points of interest occurring within the content of the television programming, and computer readable program code for associating at least one of the program indices with the at least one program segment to create program indices that are context sensitive with respect to the content of the television programming, as included in independent claim 5 as amended.

Therefore, since Kouloheris et al. and Alexander et al., alone or in combination, fail to disclose or suggest every element of independent claim 5, this claim is allowable over the cited references.

Claims 11 and 13 depend from claim 5. As discussed above, claim 5 is allowable. For at least this reason, and the additional features recited therein, claims 11 and 13 are also allowable.

For at least the reasons above, reconsideration and withdrawal of the rejection of claims 5, 11 and 13 under 35 U.S.C. 103(a) are respectfully requested.

**B. Rejections Based on Kouloheris et al., Alexander et al. and Ellis et al.**

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Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kouloheris et al. in view of Alexander et al. and further in view of Ellis et al. (2002/0054068). Applicants respectfully traverse this rejection for at least the following reasons.

As discussed above, Kouloheris et al. and Alexander et al., alone or in combination, fail to disclose or suggest all of the elements of independent claim 5. Ellis et al. fails to cure this defect.

The Office Action on page 10 cites Ellis et al. in asserting that the reference teaches “reducing the recording time” (citing paragraphs 68–75, 77–80 and 82–86). However, Ellis et al. fails to disclose or suggest at least the elements of program indices developed according to one or more rules that apply to a particular type of event captured by the television programming, wherein the one or more rules requires the program indices to be created upon one or more discrete points of interest occurring within the content of the television programming, and computer readable program code for associating at least one of the program indices with the at least one program segment to create program indices that are context sensitive with respect to the content of the television programming, as included in independent claim 5 as amended.

Therefore, since Kouloheris et al., Alexander et al. and Ellis et al., alone or in combination, fail to disclose or suggest every element of independent claim 5, this claim is allowable over the cited references.

Claim 12 depends from claim 5. As discussed above, claim 5 is allowable. For at least this reason, and the additional features recited therein, claim 12 is also allowable.

For at least the reasons above, reconsideration and withdrawal of the rejection of claim 12 under 35 U.S.C. 103(a) are respectfully requested.

### 3. Conclusion

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Accordingly, in view of the above amendments and remarks it is submitted that the claims are patentably distinct over the prior art and that all the rejections to the claims have been overcome. Reconsideration and reexamination of the present application is requested. Based on the foregoing, applicants respectfully request that the pending claims be allowed, and that a timely Notice of Allowance be issued in this case. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the applicants' attorney at the telephone number listed below.

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If this response is not considered timely filed and if a request for an extension of time is otherwise absent, applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee that is not covered by an enclosed check please charge any deficiency to Deposit Account No. 50-0463.

Respectfully submitted,  
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Date: May 7, 2008

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/Noemi Tovar/  
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